

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILL LIETZKE,

Plaintiff,

v.

GREYHOUND LINES, INC.,

Defendant.

Case No.: 3:19-cv-00559-MMD-WGC

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF No. 1, 1-1

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff has filed an application to proceed in forma pauperis (IFP) (ECF No. 1) and pro se complaint (ECF No. 1-1). Plaintiff, who is a resident of Alabama, sues Greyhound Lines, Inc. His complaint alleges that on April 20, 2018, when he arrived in the Greyhound bus terminal in Birmingham, Alabama, from Nashville, Tennessee, four black male defendants along with Birmingham Greyhound Lines defendants and City of Birmingham defendants harassed him and unlawfully arrested and falsely imprisoned him. The complaint contains minimal facts otherwise, and instead inserts profane phrases throughout.

Plaintiff has filed numerous applications to proceed IFP and complaints in this district, and others, including the District of Idaho, Eastern District of California, the Northern District of California, the District of Oregon, the District of Maine, the District of Montana, the Eastern District of Michigan, as well as the Middle District of Alabama, against Greyhound Lines, Inc., as well as the City of Montgomery, Alabama, and Kevin Murphy, and others. (*See e.g., Lietzke v.*

1 *County of Montgomery*, No. 06-1410-ST, 2007 WL 201054 (D. Or. Jan. 22, 2007); *Lietzke v.*
2 *County of Montgomery*, No. 1:12-cv-00145-EJL-CWD, 2012 WL 5449623 (D. Id. May. 29, 2012);
3 2:13-cv-01023-JCM-GWF; 3:14-cv-00177-RCJ-WGC; 3:14-cv-00371-MMD-VPC; 3:14-cv-
4 00176-MMD-VPC; 3:14-cv-00197-MMD-WGC; 2:16-cv-02818-RFB-NJK; 3:16-cv-00735-
5 MMD-WGC; 3:17-cv-00040-MMD-WGC; *Lietzke v. City of Montgomery*, 2018 WL 4677837
6 (M.D. Al. Aug. 8, 2018, noting cases; *Lietzke v. City of Montgomery*, No. 2:18-cv-02393-KJM-
7 KJN PS, 2018 WL 4699978 (E.D. Cal. Oct. 1, 2018); *Lietzke v. Greyhound Lines, Inc.*, Case No.
8 18-cv-06197-DMR, 2019 WL 144586 (N.D. Cal. Jan. 9, 2019).)

9 These actions have been dismissed or transferred for defects in personal jurisdiction and
10 venue, or other procedural and substantive defects. Plaintiff has been advised repeatedly that
11 venue is improper in these districts (other than the Middle District of Alabama), yet Plaintiff
12 persists in filing similar lawsuits. Faced with yet another of these lawsuits, District Judge Mahan
13 entered an order on February 2, 2018, in case 2:17-cv-2873-JCM-VCF, declaring Plaintiff to be a
14 vexatious litigant under 28 U.S.C. § 1651(a), and enjoined and prohibited Plaintiff from filing any
15 new complaint, petition or other action in this court without first obtaining leave from the Chief
16 Judge of this court. The order stated that the clerk is authorized to reject, refuse to file, and discard
17 any new complaint, petition or other new action in violation of this order. *See Lietzke v. City of*
18 *Montgomery*, 2:17-cv-2873-JCM-VCF, 2018 WL 702889 (D. Nev. Feb. 2, 2018).

19 Plaintiff did not obtain leave from the Chief Judge to file this action. In addition, this case,
20 like his others, is not properly venued in Nevada and it appears jurisdiction is lacking. For these
21 reasons, Plaintiff's application to proceed IFP should be denied and the action dismissed.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the District Judge enter an order **DENYING** Plaintiff's application to proceed IFP (ECF No. 1), and **DISMISSING** this action.

The Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: December 12, 2019.



William G. Cobb
United States Magistrate Judge